

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

The Office Action

Claims 1-10, 13, 16, 19 and 20 are pending in the present application. Claims 1-8, 10, 13, 16 and 20 were rejected under the judicially created doctrine of double patenting of the obviousness-type in view of Claims 1, 3, 7 and 9 of U.S. Patent No. 6,444,214 B1. Claims 1-10, 13, 16, 19 and 20 were rejected under 35 U.S.C. §112, first paragraph. Claims 1-13, 19 and 20 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-13, 19 and 20 were rejected under 35 U.S.C. §102(b) as being completely anticipated by and unpatentable over the patent to Potini et al. (U.S. Pat. No. 5,607,908). Applicants are currently canceling herewith without prejudice Claims 9 and 13. Applicants are currently amending herewith Claims 1, 10, 16, and 19. Following entry of the present amendments, Claims 1-8, 10, 16, 19 and 20 will be pending in this application. Applicants submit that the claims as amended overcome the present rejection.

The Double Patenting Rejection:

Claims 1-8, 10, 13, 16 and 20 were rejected under the judicially created doctrine of double patenting of the obviousness-type in view of Claims 1, 3, 7 and 9 of U.S. Patent No. 6,444,214 B1. Applicants are submitting herewith a terminal disclaimer with respect to U.S. Patent No. 6,444,214 B1 in compliance with 37 CFR 1.321. Applicants are also submitting herewith the fee required by 37 CFR 1.20(d).

Applicants submit that the filing of the terminal disclaimer overcomes the present rejection. Accordingly, applicants respectfully request that the rejection of Claims 1-8, 10, 13, 16 and 20 on the basis of obviousness-type double patenting be withdrawn.

The Rejection Under 35 U.S.C. § 112:

Claims 1-10, 13, 16, 19 and 20 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. The examiner states that the term “triggerable composition” is not defined in the specification. Applicants are currently amending Claims 1 and 19 to remove the term “triggerable composition.” In view of these amendments, applicants submit that the rejection is now moot.

Claims 1-10, 13, 16, 19 and 20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection states that the term “triggerable composition” is not clearly defined in the specification. Applicants are currently amending Claims 1 and 19 to remove the term “triggerable composition.” In view of these amendments, applicants submit that the rejection is now moot. The rejection also states that Claims 9 and 19 contain the broad recitation “cleaning agents” and also the narrower limitation “detergents, surfactants, and silicones.” Applicants are currently canceling Claim 9 and currently amending Claim 19 to remove the narrower limitations. In view of these amendments, applicants submit that the rejection is now moot.

The Rejection Under 35 U.S.C. § 102:

Claims 1-10, 13, 16, 19 and 20 were rejected under 35 U.S.C. §102(b) as being completely anticipated and unpatentable over the patent to Potini et al. (U.S. Patent No. 5,607,908). The rejection states that Potini et al. discloses in Table 1 a composition comprising 0.70% sodium, 0.10% chloride (as an activating agent), 0.10% polyethylene glycol (organic solvent), along with other components, such as glycerin, polysiloxane, etc.) and water up to 100%.

Applicants are currently amending Claims 1, 16 and 19 herewith to indicate that the wetting composition is for use in conjunction with an ion-sensitive polymer and that the activating compound is for activating the ion-sensitive polymer. The composition disclosed in Potini et al., as described in the Office Action, is for use in cleaning contact lenses. Although the rejection characterizes the sodium chloride component of Potini et al. as an activating component, it is clear that it is not an activating component for activating an ion-sensitive polymer, as required by the presently amended Claims 1, 16 and 19. It is beyond argument that Potini et al. does not disclose any ion-sensitive polymers whatsoever, and, therefore, cannot disclose or suggest an activating compound for activating an ion-sensitive polymer. Since Potini et al. does not disclose an activating compound for activating an ion-sensitive polymer, applicants respectfully submit that it cannot anticipate Claims 1, 16 and 19, as amended.

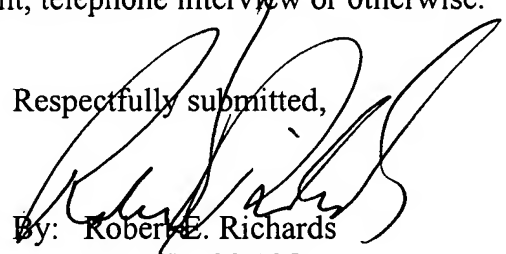
Additionally, Claim 4 contains the limitation that the wetting composition is substantially free of organic solvents. Potini et al. discloses that the use of 0.10% polyethylene glycol. Therefore, Potini et al. does not disclose a composition that is substantially free from organic solvents, and, therefore, cannot anticipate Claim 4 of the

present application. For the reasons set forth above, applicants respectfully request that the rejection of the pending claims as being anticipated by Potini et al. should be withdrawn. Furthermore, the claims dependent on Claims 1, 16 and 19 are allowable for at least the same reasons as Claims 1, 16 and 19, as well as for their additional recited features. Thus, applicants respectfully submit that Claims 1-10, 13, 16, 19 and 20 are in condition for allowance and request that the rejection of the claims based on Potini et al. be withdrawn.

Conclusion:

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and remarks. Such action is courteously solicited. Applicants further request that the Examiner call the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

Respectfully submitted,


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